

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARNOLD BELL,

Plaintiff,

vs.

THE STATE OF NEVADA ON RELATION TO
THE BOARD OF REGENTS OF THE NEVADA
SYSTEM OF HIGHER EDUCATION, on behalf
of the COLLEGE OF SOUTHERN NEVADA,

Defendant.

Case No. 2:13-cv-01432-APG-PAL

ORDER

This matter is before the undersigned Magistrate Judge in regard to the execution of the final settlement agreement in the above-entitled matter. The undersigned Magistrate Judge conducted an Early Neutral Evaluation (ENE) session in this case on January 9, 2014, during which the parties agreed to a settlement of the above-entitled action. The material terms of the settlement agreement were memorialized in a Memorandum of Settlement Agreement, which was signed by the parties and their respective counsel. Disagreement subsequently arose between the parties in regard to whether the settlement should include confidentiality and non-disparagement provisions as contained in the draft of the settlement agreement and release of all claims that Defendant's counsel forwarded to the Plaintiff's counsel.

The undersigned Magistrate Judge conducted a status hearing on March 24, 2014, in which he advised the parties that confidentiality and non-disparagement provisions are material terms of a settlement agreement. Because those terms were not agreed to by the parties during the ENE, they were not properly included in the final settlement agreement and release of all claims. The parties still did not execute a final settlement agreement or submit an order for dismissal. On May 2, 2014, the

undersigned Magistrate Judge conducted a further status hearing regarding the settlement. The undersigned directed Defendant's counsel to provide him with the revised version of the settlement agreement and release of all claims that had been provided to Plaintiff's counsel. The undersigned stated that he would review the settlement agreement and release of all claims to determine if it was consistent with the Memorandum of Settlement Agreement executed during the ENE, and, if so, would order the Plaintiff to sign it. Otherwise, the undersigned would order any further revisions of the settlement agreement and release of all claims that are necessary.

Defendant's counsel filed the revised settlement agreement and release of all claims with the Court on May 5, 2014. *See Dkt. No. 29*. Plaintiff's counsel filed Plaintiff's objections on May 8, 2014. *See Dkt. No. 30*. The undersigned finds that Plaintiff's objections to the revised settlement agreement and release of all claims are not valid. The statements objected to are completely consistent with the Memorandum of Settlement Agreement which provides for "a full and complete release of any and all claims that Plaintiff has or may have against the Defendant." The undersigned Magistrate Judge therefore orders Plaintiff to execute the revised settlement agreement and release of all claims, that Defendant thereupon pay the amount due under the settlement agreement, and that counsel for the parties forthwith execute and lodge with the Court an order for dismissal of this action, with prejudice.

IT IS SO ORDERED.

DATED this 12th day of May, 2014.



GEORGE FOLEY, JR.
United States Magistrate Judge